

# Calendar No. 1180

68TH CONGRESS }  
2d Session }

SENATE

} REPORT  
No. 1113

## ALLOTMENTS OF LANDS TO INDIANS OF THE MENOMINEE RESERVATION IN WISCONSIN

FEBRUARY 3 (calendar day, FEBRUARY 14), 1925.—Ordered to be printed

Mr. HARRELD, from the Committee on Indian Affairs, submitted the following

### REPORT

[To accompany H. R. 6869]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 6869) to authorize allotments of lands to Indians of the Menominee Reservation in Wisconsin, and for other purposes, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts are fully set forth in House Report No. 1213, Sixty-eighth Congress, second session, and in a statement made by Congressman Edward E. Browne, of Wisconsin, before the committee, both of which are appended hereto and made a part of this report.

[House Report No. 1213, Sixty-eighth Congress, second session]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 6869) to authorize allotments of lands to Indians of the Menominee Reservation in Wisconsin, and for other purposes, having considered the same, report thereon with a recommendation that it do pass with the following amendments:

Page 2, line 13, correct the spelling of the word "merchantable."

Page 2, strike out all of lines 16 and 17 and down to and including the word "direct" in line 18.

Page 4, line 6, after the word "hereby," insert "authorized to be."

Page 4, line 13, strike out the word "such."

Page 4, line 14, after the word "act," insert "to be paid or expended for their benefit."

There are, at the present time, approximately 1,838 Indian names on the reservation books, including men, women, and children, probably less than half that number being adults. If every Indian receives his 80-acre allotment it will require 147,040 acres, a trifle more than half the acreage of the reservation. The entire reservation covers 10 townships.

This bill was introduced at the request of a delegation of Menominee Indians who had been sent to Washington by the tribe and instructed to request that such a bill be enacted into law. The legislation has been thoroughly investigated by

E. A. Allen, the agent in charge of the reservation, who is a man who has studied the Indians and has been with them for over 30 years. The provisions of the bill also have the indorsement of the Secretary of the Interior, as evidenced by the attached letter, which is made a part of this report.

DEPARTMENT OF THE INTERIOR,  
Washington. April 1, 1924.

HON. HOMER P. SNYDER,  
*Chairman Committee on Indian Affairs,  
House of Representatives.*

MY DEAR MR. SNYDER: Reference is again made to your letter of March 5, transmitting for report copy of H. R. 6869, Sixty-eighth Congress, first session, entitled "A bill to authorize allotments of lands to Indians of the Menominee Reservation in Wisconsin, and for other purposes."

The bill, with several minor changes as herein suggested, is satisfactory to this department. In connection with this proposed legislation attention is invited to H. R. 12980 and S. 4048, Sixty-sixth Congress, second session, and also to H. R. 12190 and S. 3759, Sixty-seventh Congress, second session, all of which were similar to the present bill. The two bills introduced in the Sixty-sixth Congress were the subject of favorable reports to the Indian Committees of the House and Senate as of June 26, 1922. The bill now under consideration is identical with those two bills with the additions of sections 6 and 7.

A majority of the Indians of the Menominee Reservation are reported to be in favor of allotments of not less than 80 acres to each person entitled, and as a large part of the reservation is covered with timber it will be necessary to allot the timbered lands in some cases as well as the nontimbered area. However, section 1 reserves to the United States the right to cut and market the merchantable timber for the benefit of the Menominee Indians, and section 2 authorizes the Secretary of the Interior, in his discretion, to reserve from allotment lands chiefly valuable for the timber thereon or that may in his opinion be needed for reforestation. The appropriation of \$10,000 as provided by section 6, or as much thereof as may be necessary, is essential to properly enable this department to carry out the provisions of the act.

It is noticed that the word "merchantable" in line 13, page 2, is misspelled. This should be corrected. It is also believed that the word "such," in line 13, page 4, is superfluous and should therefore be eliminated. As to section 7, which authorizes a per capita payment of not to exceed \$500 to Indians who receive allotments under authority of the act, this has been urged by the Indians and recommended by their superintendent. In justification for this item, it may be explained that there is at this time something over \$1,000,000 in the Treasury of the United States to the credit of the Menominee Indians, and the withdrawal therefrom of the amount needed will be very helpful in aiding the Indians to establish themselves on their individual allotments, and to obtain necessary supplies, implements, teams, etc., to improve, cultivate, and make the best possible use of their lands. This fund is being increased from the sales of tribal timber. It is suggested that this section be changed by inserting after the word "act," in line 14, page 4, "to be paid to or expended for their benefit."

Under date of March 18, 1924, the Director of the Bureau of the Budget advises that the "proposed report is not in conflict with the financial program of the President." For the reasons herein given, this department is in favor of the proposed legislation if corrected and amended as suggested.

Very truly yours,

HUBERT WORK.

#### STATEMENT OF CONGRESSMAN BROWNE OF WISCONSIN

H. R. 6869 was introduced by me at the request of a delegation of the Menominee Indians, who had been sent to Washington by the tribe and instructed by the tribe to request that such a bill be introduced.

Superintendent Allen, of the Menominee Reservation, informs me that upon a vote of the tribe, 482 voted in favor of this measure and 56 against it; that much of the opposition to the bill comes from some discontented Indians who oppose all progress.

There are at the present time 1,870 names of Indians on the reservation book, including men, women, and children.

If every Indian receives his 80-acre allotment, it will require 147,040 acres, a trifle more than half the acreage in the reservation. The entire reservation covers 10 townships, or about 360 square miles, or 230,400 acres.

The Menominee Tribe has at the present time \$1,370,788 in the United States Treasury.

The standing timber on the reservation, according to very conservative estimates, amounts to something over 1,000,000,000 feet. Forty to fifty per cent of this timber is hardwood, 40 per cent hemlock, and 10 per cent pine. At the present rate of logging, 2,000,000 feet a year, the timber will last 50 years or longer. It is the finest timber to be found anywhere east of the great forests of Washington and Oregon.

The Indians own and have paid for their sawmill, valued at \$1,000,000, and the lumber yards are valued at \$328,000. There are 54 fine dwellings in the little village of Neopit.

After the allotment proposed in the bill there would still remain 83,360 acres of undistributed land.

Quite a number of the Indians are engaged in agricultural pursuits, having cleared up the cut-over lands. They have very good livestock, some purebred cattle, and some of the Indians are up-to-date farmers.

About 50 per cent of the men who are employed at the sawmill and in the logging operations are Indians.

The Menominee Indians have lived upon this reservation ever since the first white explorers came to Wisconsin, as far back as the days of Nicolette and Joliet.

During the Civil War a company of soldiers were raised on the Menominee Reservation. A number of Menominees also enlisted in the Spanish-American War, and there were as many volunteers of the Menominee Indians in the late World War as there were in the same number of population in any locality in the United States.

#### BILL

This bill provides for an allotment of 80 acres of land to every Indian living on the date of this act, or who may be born prior to the completion of the allotment work thereunder.

The bill further provides that the United States hold this land in trust for the Indians for their sole use and benefit for a period of 25 years after said allotment, and in case of any Indian's decease the land goes to his heirs, according to the laws of the State of Wisconsin. At the expiration of the 25 years, the United States conveys the lands by patent to said Indian, or his heirs, in fee, discharged of said trust and free of all charges or encumbrances whatsoever, provided that the President of the United States may, in his discretion, extend the period of 25 years longer. Provided further that the patents authorized shall contain a clause reserving to the United States the right to cut and market the merchantable timber on lands embraced in any such patent, in the manner now provided by law for the sale of timber on the Menominee Reservation, and the proceeds received therefrom shall be deposited and used for the benefit of the Menominee Indians as the Secretary of the Interior may direct. That when the merchantable timber has been cut from the land so allotted the title to any timber remaining on said allotments shall thereupon pass to the respective allottees.

#### MINERALS RESERVED

All minerals, oil, and gas are reserved during the period of the trust as the common property of the tribe; and no lands valuable for power-site or reservoir purposes shall be allotted.

The bill also proposes to reserve all lands deemed necessary for agency and school purposes and religious purposes, and the Secretary of the Interior is authorized to set aside and reserve for town-site purposes such lands as may be necessary for future public interests.

The bill provides for an allotment of 80 acres of land to every Indian living on the date of the act or who may be born prior to the completion of the allotment work hereunder.

The bill further provides that the United States hold this land in trust for the Indians for their sole use and benefit for a period of 25 years after said allotment, and in case of any Indian's death the land goes to his heirs according to the laws of the State of Wisconsin. At the expiration of the 25 years the United States convey the lands by patent to said Indian or his heirs in fee, provided that of said time and time of all charges or improvements whatsoever provided that the President of the United States may, in his discretion, extend the period of the trust for a longer period.

Provided further that the patents aforesaid shall contain a condition that the United States the right to cut and market the material and timber on lands conveyed in any such patent in and to the same now provided by law for the sale of timber on the Minnesota Reservation, and the proceeds received therefrom shall be deposited and used for the benefit of the Indians as a secret fund of the Interior may direct. That when the Secretary of the Interior has been authorized to allot the land to any Indian remaining on said Reservation, all the proceeds from the sale of the timber shall be deposited in a fund to be known as the "Fund for the Benefit of the Indians."

The bill also provides for the reservation of all lands deemed necessary for school purposes and religious purposes, and the Secretary of the Interior is authorized to set aside and reserve for school purposes such lands as may be necessary for future public interest.

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